

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYMAN PATTERSON, JR.,

Petitioner,

No. 06-CV-15672-DT

vs.

Hon. Gerald E. Rosen

GREGG McQUIGGIN,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING PETITIONER'S REQUEST
FOR A CERTIFICATE OF APPEALABILITY AND FOR LEAVE
TO PROCEED WITH APPEAL *IN FORMA PAUPERIS*

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on November 26, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the October 30, 2008 Report and Recommendation of United States Magistrate Judge Paul J. Komives recommending that the Court deny Petitioner's request for a certificate of appealability, and also deny, as moot, Petitioner's motion for leave to appeal *in forma pauperis*; and Petitioner having timely filed objections to the Report and Recommendation; and the Court having reviewed and considered the R & R, Petitioner's objections thereto, and the entire file of this matter, and having determined that, for the reasons stated by the Magistrate Judge,

Petitioner's requests should be denied, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the October 30, 2008 Report and Recommendation of Magistrate Judge Paul J. Komives [**Dkt. # 55**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, Petitioner's motion [**Dkt. # 53**] for a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that Petitioner's motion for leave to appeal *in forma pauperis* [**Dkt. # 52**] is DENIED, as moot.

s/Gerald E. Rosen
United States District Judge

Dated: November 26, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 26, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager